

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : To Be Assigned Confirmation No. : TBA
First Named Inventor : Thomas BIRKHOFER
Filed : August 11, 2006
TC/A.U. : To Be Assigned
Examiner : To Be Assigned
Docket No. : 095309.58110US
Customer No. : 23911
Title : Device for Determining the State of a Soot Particle Filter

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 AND 1.98**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, the attached Form PTO-1449 lists documents which the Examiner may deem relevant to patentability of the claims of the above-identified application.

I. Time Period of Submission

This Information Disclosure Statement is submitted:

☒ 1) no later than three months from the application's filing date or 2) before the mailing date of the first Office Action on the merits (whichever is later) or 3) before a first Office Action after the filing of a Request for Continued Examination, and therefore no statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

☐ 2) after the later of three months from the application's filing date and the mailing date of the first Office Action on the merits, but before a Final Office Action, a Notice of Allowance, or an action closing prosecution (*Ex parte Quayle*), (whichever is earlier), and therefore Applicant is filing concurrently herewith:

☐ a Statement under 37 C.F.R. § 1.97(e); or

☐ a fee in the amount of \$180.00 under 37 C.F.R. § 1.17(p).

☐ 3) after either a Final Office Action or a Notice of Allowance, but before payment of the Issue Fee, and therefore Applicant is submitting herewith:

a Statement under 37 C.F.R. § 1.97(e); and

a fee in the amount of \$180.00 under 37 C.F.R. § 1.17(p).

II. Statement Under 37 C.F.R. § 1.97(e)

☐ I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or

☐ I hereby state that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making a reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement; or

III. Statement under 37 C.F.R. § 1.704(d)

☐ I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement.

IV. Submission of Non-English Language Documents

☒ The following is a concise explanation of relevance of the non-English language documents listed in the attached Form PTO-1449:

☒ The relevance of document(s) AQ - AT to the subject matter of the present invention is/are provided in the specification of the above-identified application.

☒ Corresponding foreign or international report(s) citing document(s) AF - AM, together with an English-language version(s) (if not already in English) of that portion of the report(s) indicating the degree of relevance found by the foreign office(s) is/are submitted.

☒ English language family member publication(s) of document(s) AF is/are noted on Form PTO-1449.

☒ English language abstract(s) is/are submitted for document(s) AF.

☐ English translation(s) of the foreign language document(s)
_____ is/are submitted herewith.

☐ Applicant submits the following explanations:

V. Continuations/Divisionals

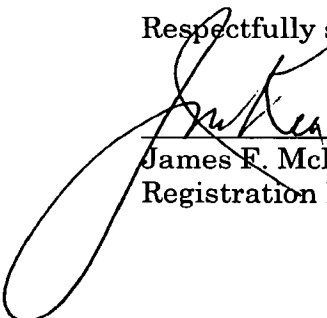
☐ Documents _____ were of record in parent application Serial No. _____, filed _____, from which this application claims benefit. As provided in 37 C.F.R. §1.98(d), copies of the documents are not being provided since they were previously submitted to or cited by the United States Patent and Trademark Office in the afore-mentioned parent application.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

If necessary, this paper should be considered as an authorization to charge Deposit Account 05-1323, Attorney Docket No.: 095309.58110US, for the fee set forth in 37 C.F.R. § 1.17(p).

Respectfully submitted,

August 11, 2006



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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>			Complete if Known	
	Application Number	To Be Assigned		
	Filing Date	August 11, 2006		
	First Named Inventor	Thomas BIRKHOFFER		
	Art Unit	To Be Assigned		
	Examiner Name	To Be Assigned		
Sheet	1	of	2	Attorney Docket Number
				095309.58110US

U.S. PATENT DOCUMENTS						
Examiner Initials'	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)				
	AA	US- 5,157,340	A	10/20/1992	Walton et. al.	
	AB	US- 2001/0035044	A1	11/01/2001	Larsson et. al.	
	AC	US- 4,656,832		04/14/1987	Yukihisa et. al.	
	AD	US- 3,758,851		09/11/1973	Yokoyama et. al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials'	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	AE	WO 93/08382 A1	04/29/1993	Caterpillar Inc.		
	AF	JP 59-196453 A	11/07/1984	Nippon Denso Co Ltd	Corresponds to AC above	ABS
	AG	DE 41 39 325 C1	01/07/1993	Mercedes-Benz Aktiengesellschaft		
	AH	DE 199 31 007 A1	01/25/2001	DaimlerChrysler AG		
	AI	DE 101 56 946 A1	05/28/2003	Robert Bosch GmbH		
	AJ	DE 101 33 384 A1	01/30/2003	Robert Bosch GmbH		
	AK	DE 36 08 801 A1	09/17/1987	FEV Forschungsgesellschaft fuer Energietechnik und Verbrennungsmotoren mbH		
	AL	DE 33 04 548 A1	08/16/1984	Robert Bosch GmbH		
	AM	FR 2 805 347 A1	08/24/2001	Institut Francais du Petrole		
	AN	EP 0 525 566 A1	02/03/1993	Iveco Fiat S.p.A.		
	AO	EP 0 401 724 A2	12/12/1990	Wahlco, Inc.		
	AP	WO 93/05388 A1	03/18/1993	Atomic Energy of Canada Limited		
	AQ	DE 199 33 988 A1	01/27/2000	Renault		
	AR	EP 0 587 146 A2	03/16/1994	Firma J. Eberspaecher		
	AS	EP 1 106 996 A2	06/13/2001	Heraeus Electro-Nite International N.V.		
	AT	DE 35 25 755 C1	08/14/1986	Fraunhofer-Gesellschaft zur Foerderung der angewandten Forschung e.V.		

Examiner Signature	/John Zhu/	Date Considered	06/13/2009
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /J.Z./

Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>		Complete if Known			
		Application Number	To Be Assigned		
		Filing Date	August 11, 2006		
		First Named Inventor	Thomas BIRKHOFFER		
		Art Unit	To Be Assigned		
		Examiner Name	To Be Assigned		
Sheet	2	of	2	Attorney Docket Number	095309.58110US

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	AU	International Search Report dated August 25, 2005 including English Translation of relevant portion and PCT/ISA/237 (Ten (10) pages)	
	AV	German Search Report dated April 18, 2005 including English Translation of relevant portion (Eight (8) pages)	

Examiner Signature	/John Zhu/	Date Considered	06/13/2009
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /J.Z./